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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3-21-71156-MAG
)	
Plaintiff,)	STIPULATION AND ORDER TO EXCLUDE
)	TIME UNDER THE SPEEDY TRIAL ACT AND
v.)	FED. R. CRIM. P. 5.1
)	
JULI MAZI,)	
)	
Defendant.)	

Defendant Juli Mazi made initial appearances in this case on July 15, 2021. Defendant Mazi was released on pretrial services supervision, \$100,000 bond, and release conditions. The Court ordered that Defendant Mazi's preliminary hearing be held on August 5, 2021, at 10:30 a.m. At the parties' request, the Court previously continued the preliminary hearing twice and excluded time under the Speedy Trial Act from August 5, 2021 through October 1, 2021.

The parties have met and conferred and request that this matter be continued from October 1, 2021 to November 5, 2021. Counsel for Defendant Mazi and counsel for the United States stipulate that time be excluded under the Speedy Trial Act from October 1, 2021, through November 5, 2021. Defendant Mazi also waives through November 5, 2021: (1) the time for a preliminary hearing on the

1 Complaint under Rule 5.1 of the Federal Rules of Criminal Procedure, and (2) the time in which the
2 government is required to file an information or indictment under 18 U.S.C. § 3161(b).

3 The parties stipulate and agree that the exclusion of time is appropriate under the
4 circumstances—including the current pandemic and shelter-in-place orders—in order to give the parties
5 an opportunity to negotiate the possibility of a pre-indictment resolution, to give defense counsel time to
6 review discovery, which the government represents involves, among other items, thousands of pages of
7 patient medical and billing records, reports of investigation, and recordings of recorded conversations,
8 and to give the government additional time to return and file an indictment or information. *See* 18
9 U.S.C. §§ 3161(b), 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii), and 3161(h)(7)(B)(iv); *see also United States v.*
10 *Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of
11 the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial
12 period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir.
13 1985) (“In cases of relative complexity, with multiple defendants and ongoing investigations such as
14 here, it may be quite unreasonable to expect the preparation and return of an indictment within thirty
15 days.... In the case at bar, efficiency and economy were definitely served by the sixty day extension.”).

16 The parties further stipulate and agree that the ends of justice served by excluding time from
17 October 1, 2021, through November 5, 2021, from computation under the Speedy Trial Act outweigh
18 the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) &
19 (B)(ii)-(iv).

20 SO STIPULATED

21
22 Dated: September 24, 2021

_____/s/_____
CHRISTIAAN H. HIGHSMITH
Assistant United States Attorney

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24
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26 Dated: September 24, 2021

_____/s/_____
PHILIP A. SCHNAYERSON
Counsel for Defendant Juli Mazzi

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28 STIPULATION AND ORDER TO EXCLUDE TIME

ORDER

Pursuant to the stipulation of the parties, the preliminary hearing currently set for October 1, 2021, is HEREBY CONTINUED to November 5, 2021.

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time from October 1, 2021, through and including November 5, 2021, would unreasonably deny defense counsel and Defendant Mazi the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court also finds that excluding the time from October 1, 2021, through and including November 5, 2021, is appropriate in light of the complexity of the case, and the amount of time necessary to return and file an indictment under the circumstances, including the current pandemic, within the time specified by 18 U.S.C. § 3161(b). *See* 18 U.S.C. §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii); *see also United States v. Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir. 1985) (“In cases of relative complexity, with multiple defendants and ongoing investigations such as here, it may be quite unreasonable to expect the preparation and return of an indictment within thirty days.... In the case at bar, efficiency and economy were definitely served by the sixty day extension.”).

The Court further finds that the ends of justice served by excluding the time from October 1, 2021, through and including November 5, 2021, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from October 1, 2021, through and including November 5, 2021, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A), (B)(ii)-(iv). The Court also orders that the time for a preliminary hearing be extended under Rule 5.1

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STIPULATION AND ORDER TO EXCLUDE TIME

1 of the Federal Rules of Criminal Procedure and the time within which to conduct a preliminary hearing
2 is waived with the consent of the Defendant through November 5, 2021.

3 IT IS SO ORDERED.

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5
6 Dated: September 24, 2021



HON. SALLIE KIM
United States Magistrate Judge